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EXAMINER	
SHECHTMAN, SEAN P	
ART UNIT	**PAPER NUMBER**
2125	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/788,814	SCHAPER ET AL.	
	Examiner	Art Unit	
	Sean P. Shechtman	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

4a) Of the above claim(s) *1-17 and 27-70* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/1/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 18-26 are presented for examination. Claims 1-17 and 27-70 have been withdrawn from consideration. Claims 18, 20, 25, and 26 have been amended.

Oath/Declaration

2. Objection withdrawn in light of the amendment.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2, elements 50, 80, 86, 88; Fig. 3, elements 114, 116, 118, 120, 122; Fig. 5, element 204; Fig. 6, element 244; Fig. 9, element 286. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. Rejections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 18, 19, 20, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,712,052 to Kawatsu (hereinafter referred to as Kawatsu) in view of U.S. Pat. No. 6,172,428 to Jordan (hereinafter referred to as Jordan).

Referring to claim 18, Kawatsu teaches the following:

a processor (Fig. 1, element 232, Col. 11, lines 54-67);

an input capable of receiving signals from a generator (Fig. 11, element 620 and 238; Col. 17, line 55 – Col. 18, line 7);

an output capable of sending signals to the generator (Col. 11, lines 63-67; Fig. 1, element 238);

an input capable of receiving signals from an operating condition source (Fig. 1, element 238; Col. 11, lines 54-67); and

a memory accessible by the processor (Fig. 1, elements 234 and 236; Col. 11, lines 54-67), the memory containing stored programming instructions operable by the processor to control the operation of a generator and to inhibit operation of the generator if a signal

representative of an undesirable condition is received from the operating condition source (Col. 12, lines 4-9; Col. 15, lines 60 – Col. 16, line 10).

Referring to claim 19, Kawatsu teaches the generator controller of claim 18, wherein the operating condition source comprises a gas detector (Fig. 1, element 1).

Referring to claim 20, Kawatsu teaches the generator controller of claim 19, wherein the gas comprises carbon dioxide or carbon monoxide (Col. 12, lines 4-9).

Referring to claim 25, Kawatsu teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources and the stored programming instructions are configured to cause the processor to inhibit operation of the generator if a signal representative of an undesirable condition is received from one of the plurality of operating condition sources (Col. 14, lines 56-65; Col. 15, lines 60 – Col. 16, line 10).

Referring to claim 26, Kawatsu teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources and the stored programming instructions are configured to cause the processor to inhibit operation of the generator as a function of the signals received from one or more of the plurality of operating condition sources (Col. 14, lines 56-65; Col. 15, lines 60 – Col. 16, line 10).

Referring to claim 18, Kawastu teaches all of the limitations set forth above however fails to teach the memory further contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator; and a display configured to present text messages related to the electronic indicators.

However, referring to claim 18, Jordan teaches a generator (Col. 1, lines 27-35; Col. 10, lines 52-65), a processor (Col. 9, lines 24-45), and a memory accessible by the processor (Col. 9, lines 24-45), wherein

the memory contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator (Col. 4,lines 11 – 28; Col. 8, line 52 – Col. 10, line 51; Col. 12, lines 57-60, Fig. 4, elements 422, 424, converts from digital signals into plain text); and a display configured to present text messages related to the electronic indicators (Fig. 4, elements 422, 424).

Kawastu and Jordan are analogous art because they are from the same field of endeavor, monitoring and control of electric power generators. At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Kawastu to include display feature of Jordan.

One of ordinary skill in the art would have been motivated to combine these references because Jordan teaches it is more desirable to have a textual message as opposed to only displaying a graphical icon for a warning because the textual message offers much more information-than a cryptic icon. With the graphical icon, an operator must either know what the icon symbolizes or look it up in a user manual, which may cause lengthy unnecessary delays during the time that the gen-set requires immediate action by the operator. Thus, a graphical icon is vague and does not provide a clear description of the fault condition as does a textual message (Col. 18, lines 37-53). Furthermore, Jordan teaches that by providing the operator with some suggestion or recommendation about how to address a reported fault condition and providing the operator with a specific reference to the technical manual regarding the reported fault condition,

the DCS software increases the likelihood that an operator will resolve a reported fault condition quickly and efficiently (Col. 19, lines 7-14).

7. Claims 18, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,823,281 to Yamaguchi et al (hereinafter referred to as Yamaguchi) in view Jordan.

Referring to claim 18, Yamaguchi teaches the following:

a processor (Fig. 4, element 41; Col. 7, lines 7-17);

an input capable of receiving signals from a generator (Fig. 4, Col. 7, lines 7-17);

an output capable of sending signals to the generator (Fig. 4, Col. 7, lines 7-17);

an input capable of receiving signals from an operating condition source (Col. 9, lines 1-24; Fig. 4, for example element 45); and

a memory accessible by the processor (Col. 7, lines 7-17), the memory containing stored programming instructions operable by the processor to control the operation of a generator and to inhibit operation of the generator if a signal representative of an undesirable condition is received from the operating condition source (Col. 5, lines 16-28; Col. 8, lines 58-67).

Referring to claim 25, Yamaguchi teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources (Fig. 4, elements 45, 46) and the stored programming instructions are configured to cause the processor to inhibit operation of the generator if a signal representative of an undesirable condition is received from one of the plurality of operating condition sources (Col. 5, lines 16-28; Col. 8, lines 58-67).

Referring to claim 26, Yamaguchi teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources (Fig. 4, elements 45, 46) and the stored programming instructions are configured to cause the processor to inhibit operation of the generator as a function of the signals received from one or more of the plurality of operating condition sources (Col. 5, lines 16-28; Col. 8, lines 58-67).

Referring to claim 18, Yamaguchi teaches all of the limitations set forth above however fails to teach the memory further contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator; and a display configured to present text messages related to the electronic indicators.

However, referring to claim 18, Jordan teaches a generator (Col. 1, lines 27-35; Col. 10, lines 52-65), a processor (Col. 9, lines 24-45), and a memory accessible by the processor (Col. 9, lines 24-45), wherein

the memory contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator (Col. 4,lines 11 – 28; Col. 8, line 52 – Col. 10, line 51; Col. 12, lines 57-60, Fig. 4, elements 422, 424, converts from digital signals into plain text); and a display configured to present text messages related to the electronic indicators (Fig. 4, elements 422, 424).

Yamaguchi and Jordan are analogous art because they are from the same field of endeavor, monitoring and control of electric power generators. At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Yamaguchi to include display feature of Jordan.

One of ordinary skill in the art would have been motivated to combine these references because Jordan teaches it is more desirable to have a textual message as opposed to only displaying a graphical icon for a warning because the textual message offers much more information than a cryptic icon. With the graphical icon, an operator must either know what the icon symbolizes or look it up in a user manual, which may cause lengthy unnecessary delays during the time that the gen-set requires immediate action by the operator. Thus, a graphical icon is vague and does not provide a clear description of the fault condition as does a textual message (Col. 18, lines 37-53). Furthermore, Jordan teaches that by providing the operator with some suggestion or recommendation about how to address a reported fault condition and providing the operator with a specific reference to the technical manual regarding the reported fault condition, the DCS software increases the likelihood that an operator will resolve a reported fault condition quickly and efficiently (Col. 19, lines 7-14).

8. Claims 18, 22, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO01/95417 to Hirakata (whole document) in view of Jordan. In order to expedite prosecution, the examiner will make reference to the corresponding U.S. Pat. No. 6,964,821 to Hirakata (hereinafter referred to as Hirakata).

Referring to claim 18, Hirakata teaches the following:

a processor (Fig. 1, element 52);

an input capable of receiving signals from a generator (Fig. 1, element 58; Col. 11, lines 21-27);

an output capable of sending signals to the generator (Fig. 1, element 58; Col. 11, lines 21-27);

an input capable of receiving signals from an operating condition source (Col. 16, lines 24-26; Col. 15, lines 6-24); and

a memory accessible by the processor, the memory containing stored programming instructions operable by the processor to control the operation of a generator and to inhibit operation of the generator if a signal representative of an undesirable condition is received from the operating condition source (Col. 16, lines 24-26; Col. 15, lines 6-24).

Referring to claim 22, Hirakata teaches the generator controller of claim 18, wherein the operating condition source comprises a vehicle ignition and wherein the undesirable condition comprises the ignition being switched to an on position (Col. 16, lines 24-26; Col. 15, lines 6-24).

Referring to claim 25, Hirakata teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources (Col. 15, lines 6-49; Col. 16, lines 24-26, start switch and output voltage of fuel cells) and the stored programming instructions are configured to cause the processor to inhibit operation of the generator if a signal representative of an undesirable condition is received from one of the plurality of operating condition sources (Col. 16, lines 24-26; Col. 15, lines 6-24).

Referring to claim 26, Hirakata teaches the generator controller of claim 18, wherein the input is configured to receive signals from a plurality of operating condition sources (Col. 15, lines 6-49; Col. 16, lines 24-26, start switch and output voltage of fuel cells) and the stored programming instructions are configured to cause the processor to inhibit operation of the

generator as a function of the signals received from one or more of the plurality of operating condition sources (Col. 16, lines 24-26; Col. 15, lines 6-24).

Referring to claim 18, Hirakata teaches all of the limitations set forth above however fails to teach the memory further contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator; and a display configured to present text messages related to the electronic indicators.

However, referring to claim 18, Jordan teaches a generator (Col. 1, lines 27-35; Col. 10, lines 52-65), a processor (Col. 9, lines 24-45), and a memory accessible by the processor (Col. 9, lines 24-45), wherein

the memory contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator (Col. 4,lines 11 – 28; Col. 8, line 52 – Col. 10, line 51; Col. 12, lines 57-60, Fig. 4, elements 422, 424, converts from digital signals into plain text); and a display configured to present text messages related to the electronic indicators (Fig. 4, elements 422, 424).

Hirakata and Jordan are analogous art because they are from the same field of endeavor, monitoring and control of electric power generators. At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Hirakata to include display feature of Jordan.

One of ordinary skill in the art would have been motivated to combine these references because Jordan teaches it is more desirable to have a textual message as opposed to only displaying a graphical icon for a warning because the textual message offers much more

information-than a cryptic icon. With the graphical icon, an operator must either know what the icon symbolizes or look it up in a user manual, which may cause lengthy unnecessary delays during the time that the gen-set requires immediate action by the operator. Thus, a graphical icon is vague and does not provide a clear description of the fault condition as does a textual message (Col. 18, lines 37-53). Furthermore, Jordan teaches that by providing the operator with some suggestion or recommendation about how to address a reported fault condition and providing the operator with a specific reference to the technical manual regarding the reported fault condition, the DCS software increases the likelihood that an operator will resolve a reported fault condition quickly and efficiently (Col. 19, lines 7-14).

9. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Jordan as applied to claim 18 above, and further in view of U.S. Pat. No. 6,724,100 to Gabriel (hereinafter referred to as Gabriel).

Referring to claim 21, Yamaguchi in view of Jordan teaches all of the limitations set forth above, however fails to teach the operating condition source comprises a parking brake.

Gabriel discloses an input capable of receiving signals from an operating condition source (Col. 4, lines 22-26); and controlling the operation of a generator and to inhibit operation of the generator if a signal representative of an undesirable condition is received from the operating condition source (Col. 7, line 40 – Col. 8, line 2; Col. 8, lines 11-13); wherein the operating condition source comprises a parking brake (Col. 7, line 40 – Col. 8, line 2; Col. 8, lines 11-13).

Yamaguchi and Gabriel are analogous art because they are from the same field of endeavor, operation and control for hybrid electric vehicles. At time of the invention, it would have been obvious to a person of ordinary skill in the art to further modify Yamaguchi to include the operation inhibiting feature of Gabriel.

One of ordinary skill in the art would have been motivated to further modify Yamaguchi because Gabriel teaches a system and method for charging an HEV battery and utilizing the HEV as a generator efficiently and easily (Col. 2, lines 15-20). Furthermore, Gabriel clearly teaches that providing the operation inhibiting feature based on a parking brake condition (Col. 8, lines 10-13) increases safety (Col. 4, lines 20-26).

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawatsu in view of Jordan as applied to claim 18 above, and further in view of U.S. Pat. No. 6,208,040 to Mardirossian (hereinafter referred to as Mardirossian).

Referring to claim 18, Kawatsu in view of Jordan teaches all of the limitations set forth above, however fails to teach the operating condition source comprises an external alternating current source, and wherein the undesirable condition comprises the presence of power available at the external alternating current source.

Mardirossian teaches an input capable of receiving signals from an operating condition source (Fig. 5, element 14; Col. 4, lines 1-17); and a control circuit to control the operation of a generator and to inhibit operation of the generator if a signal representative of an undesirable condition is received from the operating condition source (Col. 4, lines 13-17); wherein the operating condition source comprises an external alternating current source (Col. 3, lines 44-45),

and wherein the undesirable condition comprises the presence of power available at the external alternating current source (Col. 4, lines 13-17).

Kawatsu and Mardirossian are analogous art because they are from the same field of endeavor, operation and control for fuel cells.

At time of the invention, it would have been obvious to a person of ordinary skill in the art to further modify Kawatsu with the load management technique of Mardirossian.

One of ordinary skill in the art would have been motivated to further modify Kawatsu because Mardirossian teaches that due to the utilization of the power from the fuel cell whenever the predetermined utility power level being received has reached a predetermined level, the utility load profile paid for by the customer may remain substantially flat and thereby allowing the customer to avoid payment of costly peak demand charges (Col. 4, lines 46-54).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,204,814 to Noonan et al (hereinafter referred to as Noonan) in view of Jordan.

Referring to claim 23, Noonan teaches the following:

a processor (Fig. 4, element 12);

an input capable of receiving signals from a generator (Fig. 4, element 16, Col. 7, lines 16-18; Fig. 4, element 13; Col. 7, lines 3-16);

an output capable of sending signals to the generator (Fig. 4, element 13; Col. 7, lines 3-16);

an input capable of receiving signals from an operating condition source (Fig. 4, element 22; Col. 7, lines 31-44); and

a memory accessible by the processor (Col. 7, lines 3-8), the memory containing stored programming instructions operable by the processor to control the operation of a generator and to inhibit operation of the generator if a signal representative of an undesirable condition is received from the operating condition source (Col. 7, lines 31-44, spark enable relay; Col. 3, lines 30-35); wherein the operating condition source comprises an obstruction or people presence detector and wherein the undesirable condition comprises the presence of an obstruction or people adjacent to a vehicle to which the generator is connected (Col. 7, lines 31-44, spark enable relay; Col. 3, lines 30-35).

Noonan teaches all of the limitation set forth above however fails to teach the presence detector detects a building.

Noonan teaches an autonomous lawn mower that is deigned to operate unattended, wherein the lawn mowers navigation system is designed to sense obstacles and to shut-down the vehicle if objects are sensed (Col. 3, lines 30-35).

At time of the invention, it would have been obvious to a person of ordinary skill in the art to place the lawn mower of Noonan on a lawn within the vicinity of a house or building structure, since lawns, that are intended to be mowed, are normally within the vicinity of a house or building structure; and thereafter detect a building with the obstruction or people presence detector.

One of ordinary skill in the art would have been motivated to place the lawn mower of Noonan on a lawn and thereafter detect a building with the obstruction or people presence detector, to prevent damage to both the lawn mower and building, in the event that the lawn

mower bumped into the building. Furthermore, shutting the lawn mower down after detecting building presence would save power and be energy efficient.

Noonan teaches all of the limitations set forth above however fails to teach the memory further contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator; and a display configured to present text messages related to the electronic indicators.

However, Jordan teaches a generator (Col. 1, lines 27-35; Col. 10, lines 52-65), a processor (Col. 9, lines 24-45), and a memory accessible by the processor (Col. 9, lines 24-45), wherein

the memory contains stored programming instructions operable by the processor to enable the processor to decode electronic indicators produced by the generator (Col. 4,lines 11 – 28; Col. 8, line 52 – Col. 10, line 51; Col. 12, lines 57-60, Fig. 4, elements 422, 424, converts from digital signals into plain text); and a display configured to present text messages related to the electronic indicators (Fig. 4, elements 422, 424).

Noonan and Jordan are analogous art because they are from the same field of endeavor, monitoring and control of electric power generators. At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Noonan to include display feature of Jordan.

One of ordinary skill in the art would have been motivated to combine these references because Jordan teaches it is more desirable to have a textual message as opposed to only displaying a graphical icon for a warning because the textual message offers much more

information-than a cryptic icon. With the graphical icon, an operator must either know what the icon symbolizes or look it up in a user manual, which may cause lengthy unnecessary delays during the time that the gen-set requires immediate action by the operator. Thus, a graphical icon is vague and does not provide a clear description of the fault condition as does a textual message (Col. 18, lines 37-53). Furthermore, Jordan teaches that by providing the operator with some suggestion or recommendation about how to address a reported fault condition and providing the operator with a specific reference to the technical manual regarding the reported fault condition, the DCS software increases the likelihood that an operator will resolve a reported fault condition quickly and efficiently (Col. 19, lines 7-14).

Response to Arguments

12. Applicant's arguments with respect to claim 18 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments filed December 1st 2006 have been fully considered but they are not persuasive.

Referring to claim 24, applicant argues that Mandirossian fails to teach that the undesirable condition comprises the presence of power available at the external alternating current source. Applicant argues that the alternating current power source of Mandirossian is always available. The examiner respectfully disagrees. Mandirossian clearly teaches that the alternating current power source is not always available at the price the customer wishes to pay for (Col. 5, lines 6-10). Therefore the examiner respectfully submits that Mandirossian does teach the undesirable condition comprises the presence of power available, at the price the customer wishes to pay for, at the external alternating current source.

Referring to claim 23, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a device left to operate in a stationary position adjacent a building) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Referring to claim 23, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPS

Sean P. Shechtman

January 26, 2007

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100